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LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

December 23, 2009

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J. S. I. D. File No. 09-0505
L.A.S.D. File No. # 009-10313-1627-013

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 8, 2009, fatal shooting of Ezequiel Jacobo by Los Angeles County Sheriff's Deputy Mat Taylor. We have concluded that Deputy Taylor acted lawfully in self-defense and in the defense of others.

The following analysis is based upon investigative reports, property reports, analyzed evidence reports, and summaries of witness' statements taken during the investigation by the Los Angeles County Sheriff's Department (LASD), and submitted to this office by Sergeants Shannon Laren and Bill Cotter on November 6, 2009. The District Attorney Command Center was notified of the shooting at approximately 4:40 p.m. on August 8, 2009. The District Attorney Response Team, comprised of Deputy District Attorney Christina Buckley and District Attorney Senior Investigator [redacted], responded to the scene. They were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Compelled statements were not considered in our analysis.

FACTUAL ANALYSIS

On August 8, 2009, at approximately 4:00 p.m., Deputies Mat Taylor and [redacted] were in full uniform and on patrol in a marked black and white patrol vehicle in the area of "Scottsdale Estates," in the City of Carson. As they drove north on Camel Back Drive North, they observed three vehicles parked illegally near the open garage



Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: http://da.co.la.ca.us

door of 6 Squaw Peak Lane. Taylor parked the vehicle and exited along with Hernandez to contact the occupants of the garage concerning the illegally parked vehicles.

As Taylor and [redacted] approached the garage, they could see several people inside and smelled a strong odor of marijuana emitting from the open garage. Taylor and [redacted] ordered the occupants of the garage to place their hands on the hood of one of the parked vehicles. Four of the occupants complied with the order. [redacted] was standing inside the garage and Bailey refused to join the others. He became verbally abusive.

Taylor placed his hand on [redacted] shoulder to guide [redacted] out of the garage to conduct a search. However, [redacted] slapped Taylor's hand away. Taylor stepped back and as he was requesting assistance via his hand-held radio, he noticed Ezequiel Jacobo seated on a set of short stairs that led to the interior of the house. Taylor immediately recognized Jacobo as a parolee at large who was considered armed and dangerous.[1]

Taylor immediately ordered Jacobo to lie face down on the floor of the garage due to previous contacts with Jacobo, where he fled on foot to avoid capture. Taylor repeatedly ordered Jacobo to lie down on the ground. Instead of complying with the command, Jacobo stood with clenched fists, became verbally abusive and advanced towards Taylor and [redacted]. Taylor removed his pepper spray canister and directed the spray at Jacobo's eyes. Taylor was uncertain if the pepper spray made contact with Jacobo as it appeared to have no affect on him.

Simultaneously, as Jacobo ran into [redacted] left shoulder, Taylor grabbed the back of Jacobo's shirt. Taylor and Jacobo struggled into the area between two of the parked cars. During the scuffle, Jacobo tried to snatch Taylor's service weapon that he was holding in his right hand. Jacobo was unable to gain control over Taylor's weapon. However, Jacobo was able to break free from Taylor's grasp. Taylor grabbed Jacobo's shirt again and the struggle continued. Jacobo made contact with Taylor's service weapon a second time. Although Jacobo was unable to get the gun, he broke free and ran with his hands in sight, a few steps away from Taylor.

Jacobo stopped abruptly, with his hands out of view at his waistband and started to turn back toward Taylor. Jacobo, a parolee at large, considered armed and dangerous, caused Taylor to fear for his life. He fired his service weapon at Jacobo, striking him and causing him to fall to the ground.

Paramedics treated Jacobo at the scene, but he succumbed to his wounds and was pronounced dead by Paramedic Le at 4:35 p.m.

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[1] Approximately three or four weeks prior, Taylor and [redacted] had contact with Jacobo wherein he ran from them. Taylor had a copy of Jacobo's rap sheet with his picture and arrest warrant in the visor of his patrol car.



Coroner Investigator Ryan Hays removed a six-inch knife from inside Jacobo's left front pants pocket. Hays also removed a small clear plastic bag containing marijuana from Jacobo's right coin pocket.

On August 11, Deputy Medical Examiner Yulai Wang, M.D., performed an autopsy on Ezequiel Jacobo. He determined the cause of death was due to multiple gunshots wounds.[2] During the autopsy, Doctor Wang discovered a small black silk type bag tied to Jacobo's underwear. The bag contained a clear zip lock baggie with a crystalline substance later determined to be crystal methamphetamine. A toxicological analysis was conducted as a part of the autopsy and revealed measurable amounts of marijuana, amphetamine, and methamphetamine in Jacobo's body.

Investigators canvassed the area for witnesses who saw the shooting and conducted interviews concerning the incident. [redacted] stated that he had gotten of work and driven his car, a black Chevrolet Monte Carlo to the Scottsdale Estates.[3] He encountered [redacted] and [redacted] who were in [redacted] truck. [redacted] asked if they had any weed (marijuana) and [redacted] told [redacted] to follow him. They drove to [redacted] house and smoked some weed in the garage. After they had finished smoking, through the open garage door, they saw sheriff's deputies drive past. A few moments later, Deputy Taylor approached and asked whose cars were parked illegally in the alley. [redacted] started to walk towards his car to move it, but Taylor told him and the others to place their hands on the hood of his car, the black Monte Carlo. [redacted] and [redacted] complied with Taylor's request and placed their hands on the hood of [redacted] car. [redacted] saw Taylor enter the garage and heard him ask [redacted] and Jacobo to exit the garage. [redacted] watched Taylor put his hand on [redacted] who refused to exit the garage. [redacted] heard Taylor radio for assistance. Taylor told Jacobo that he knew Jacobo was a parolee at large and ordered him to get on the ground. Jacobo failed to comply with the order and [redacted] saw Taylor spray Jacobo in the eyes with "mace." Jacobo covered his eyes and charged at the two deputies. Taylor had his gun drawn and followed Jacobo, past [redacted] position to the front of [redacted] truck out of [redacted] view. [redacted] heard a scuffling sound, then one shot, followed by a pause of four or five seconds, and then several more shots.

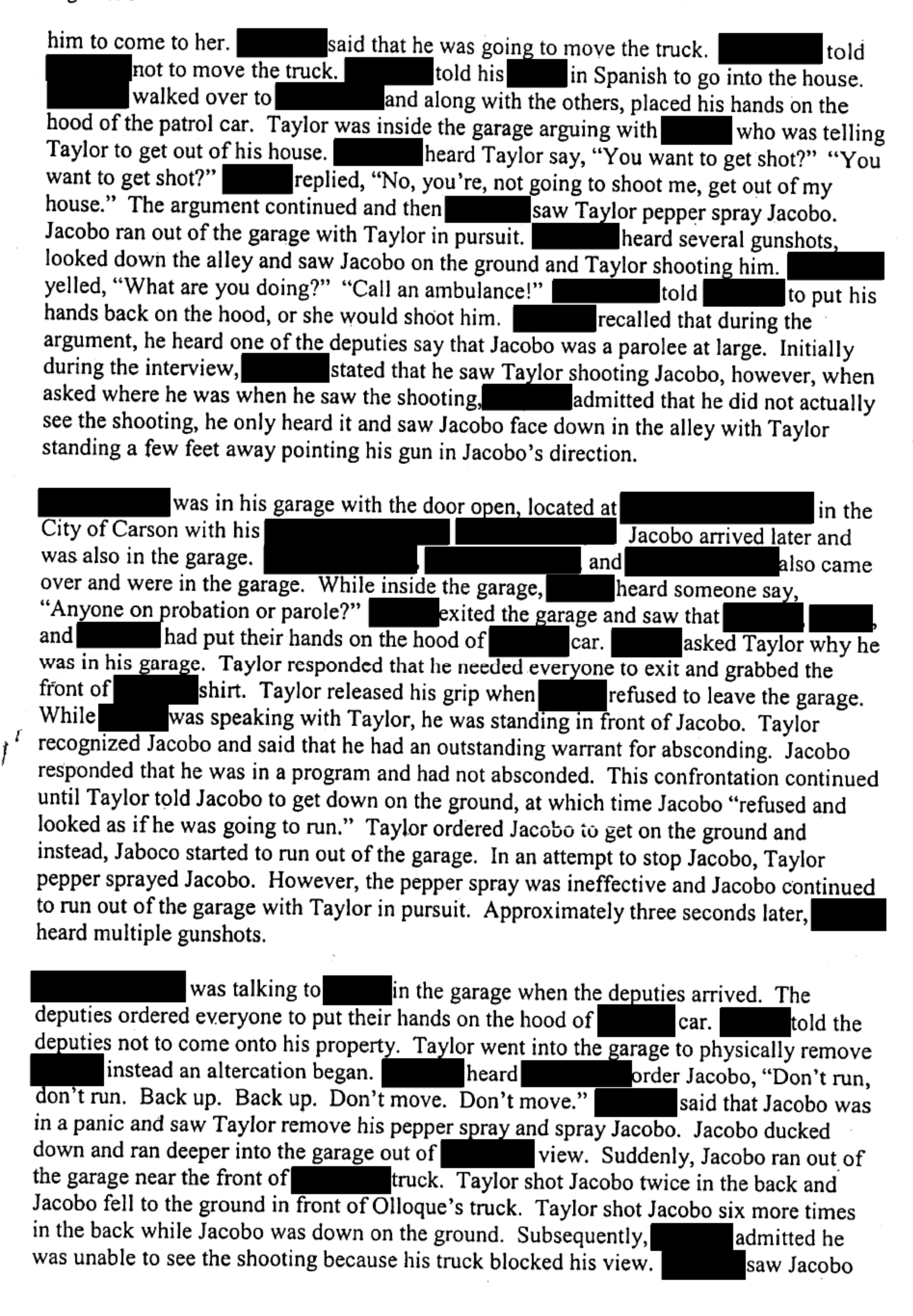
[redacted] lived [redacted] to [redacted] His [redacted] had parked his truck in the alley and [redacted] went outside to help his [redacted] unload the truck. [redacted] saw several of his friends, [redacted] Jacobo, and [redacted] outside. While [redacted] was talking to them, a sheriff's vehicle drove up. The deputy told them that they had to move their cars out of the alley. [redacted] responded he would move his [redacted] truck. As [redacted] was walking away, one of the deputies asked if anyone was on probation or parole. [redacted] responded, "No," and his [redacted] handed him the keys so he could move the truck. At that time, [redacted] saw that [redacted] had her weapon drawn and ordered

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[2] There were six gunshots rounds; one entrance wound to the abdomen; three entrance wounds to the back of the left leg, one entrance wound on the left back, and one entrance wound to the left buttock.

[3] During the investigation, a small clear plastic bag containing marijuana was found underneath the driver's side of the Chevrolet Monte Carlo, just west of the left front tire. Inside the garage on the couch and on a table inside a black tin lunch box, additional baggies containing marijuana were found.





him to come to her. [redacted] said that he was going to move the truck. [redacted] told [redacted] not to move the truck. [redacted] told his [redacted] in Spanish to go into the house. [redacted] walked over to [redacted] and along with the others, placed his hands on the hood of the patrol car. Taylor was inside the garage arguing with [redacted] who was telling Taylor to get out of his house. [redacted] heard Taylor say, "You want to get shot?" "You want to get shot?" [redacted] replied, "No, you're, not going to shoot me, get out of my house." The argument continued and then [redacted] saw Taylor pepper spray Jacobo. Jacobo ran out of the garage with Taylor in pursuit. [redacted] heard several gunshots, looked down the alley and saw Jacobo on the ground and Taylor shooting him. [redacted] yelled, "What are you doing?" "Call an ambulance!" [redacted] told [redacted] to put his hands back on the hood, or she would shoot him. [redacted] recalled that during the argument, he heard one of the deputies say that Jacobo was a parolee at large. Initially during the interview, [redacted] stated that he saw Taylor shooting Jacobo, however, when asked where he was when he saw the shooting, [redacted] admitted that he did not actually see the shooting, he only heard it and saw Jacobo face down in the alley with Taylor standing a few feet away pointing his gun in Jacobo's direction.

[redacted] was in his garage with the door open, located at [redacted] in the City of Carson with his [redacted] Jacobo arrived later and was also in the garage. [redacted], [redacted] and [redacted] also came over and were in the garage. While inside the garage, [redacted] heard someone say, "Anyone on probation or parole?" [redacted] exited the garage and saw that [redacted], [redacted], and [redacted] had put their hands on the hood of [redacted] car. [redacted] asked Taylor why he was in his garage. Taylor responded that he needed everyone to exit and grabbed the front of [redacted] shirt. Taylor released his grip when [redacted] refused to leave the garage. While [redacted] was speaking with Taylor, he was standing in front of Jacobo. Taylor recognized Jacobo and said that he had an outstanding warrant for absconding. Jacobo responded that he was in a program and had not absconded. This confrontation continued until Taylor told Jacobo to get down on the ground, at which time Jacobo "refused and looked as if he was going to run." Taylor ordered Jacobo to get on the ground and instead, Jaboco started to run out of the garage. In an attempt to stop Jacobo, Taylor pepper sprayed Jacobo. However, the pepper spray was ineffective and Jacobo continued to run out of the garage with Taylor in pursuit. Approximately three seconds later, [redacted] heard multiple gunshots.

[redacted] was talking to [redacted] in the garage when the deputies arrived. The deputies ordered everyone to put their hands on the hood of [redacted] car. [redacted] told the deputies not to come onto his property. Taylor went into the garage to physically remove [redacted] instead an altercation began. [redacted] heard [redacted] order Jacobo, "Don't run, don't run. Back up. Back up. Don't move. Don't move." [redacted] said that Jacobo was in a panic and saw Taylor remove his pepper spray and spray Jacobo. Jacobo ducked down and ran deeper into the garage out of [redacted] view. Suddenly, Jacobo ran out of the garage near the front of [redacted] truck. Taylor shot Jacobo twice in the back and Jacobo fell to the ground in front of Olloque's truck. Taylor shot Jacobo six more times in the back while Jacobo was down on the ground. Subsequently, [redacted] admitted he was unable to see the shooting because his truck blocked his view. [redacted] saw Jacobo

run by his truck with Taylor in pursuit, who subsequently fired two rounds at Jacobo. [redacted] also heard another six or seven rounds fired but did not see who fired them.[4]

[redacted] picked up his [redacted] and drove to [redacted] house. [redacted] noticed when he got into the truck that [redacted] were sitting in the back seat. Prior to arriving at [redacted] house, they encountered [redacted] who followed them there. When they arrived, they smoked some marijuana. Approximately fifteen minutes later, Deputies Taylor and [redacted] told everyone to come out of the garage and put their hands on the hood of a car.[5] [redacted] and [redacted] complied with the order. [redacted] while facing west, was speaking with [redacted] and did not see what took place inside the garage. However, when he heard a shot fired he turned and saw Taylor "looking down the top of his gun," which was pointed at Jacobo's back. [redacted] saw Taylor fire three or four more rounds and heard six or seven shots fired in total.

[redacted] was in the garage smoking marijuana with [redacted] when she heard him yell, "Get out, you can't come in here, it's trespassing." She saw Taylor point his gun at [redacted] and Jacobo. Jacobo ran out of the garage and seconds later, she heard gunshots but did not see the shooting.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. (*People v. Williams* (1977) 75 Cal.App.3d 731.)

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. *California Criminal Jury Instructions 3470.*

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. (*People v. Minifie* (1996) 13 Cal.4th 1055, 1068.)

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. (*People v. Collins* (1961) 189 Cal. App.3d 575).

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4 [redacted] ages seven and three were in the backseat of his truck during the incident.
5 [redacted] believed that he placed his hands on the hood of the police car.

CONCLUSION

The evidence examined in this investigation shows that Ezequiel Jacobo was a parolee at large and considered "armed and dangerous." Upon discovery of Jacobo in a garage where the odor of marijuana was emitting, Deputy Mat Taylor ordered Jacobo to lie on the ground. Jacobo refused to comply. Simultaneously as Jacobo was attempting to flee from imminent arrest, Deputy Taylor ineffectively utilized his pepper spray. A struggle ensued between Jacobo and Deputy Taylor. During the struggle, Jacobo attempted to gain control over Deputy Taylor's service weapon. Subsequently, Jacobo broke free and ran away from Deputy Taylor. Suddenly, Jacobo stopped and with his hands hidden began to turn towards Deputy Taylor. In fear for his life, Deputy Taylor fired his weapon, ultimately ending a potentially lethal situation.

Given the appearance of a rapidly evolving, life-threatening situation that confronted Deputy Taylor, we conclude he acted lawfully in self-defense. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

CORENE S. LOCKE-NOBLE
Deputy District Attorney
(213) 974-3880

c: Deputy Mat Taylor #[redacted]

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 12-23-09	Bureau/Station/Facility: F.O.R. II / CSN	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 009-10313-1627-013	Date: 08-08-09 Time: 1547 hours
City or Station: Carson	Nature of Incident: Two-person unit contacted several individuals at a garage regarding illegally parked vehicles in an alleyway when they smelled the odor of burnt marijuana. They recognized Suspect Jacobo as a wanted armed and dangerous, parolee-at-large. A physical scuffle occurred between Deputy Taylor and Susp. Jacobo who attempted to grab Dep. Taylor's handgun. The suspect turned and ran, stopped, had his hands at his waistband, turning back toward Dep. Taylor, who in fear, fired nine rounds striking the suspect.
Location: [redacted] Squaw Peak Lane	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, (Residence) [circled], Rural, School, Street, Other: Alleyway

Lighting (*circle only one*): Darkness, (Daylight) [circled], Other, Street Lights

Weather (*circle only one*): (Clear) [circled], Cloudy, Fog, Rain

Distance: 6-7 feet

Incident Type (*circle one or more*): Accidental, Armed Person, (Fleeing Suspect) [circled], Foot Pursuit, (Gun Take Away) [circled], Moving Vehicle, Sniper/Ambush, Startle, (Struggle Involved) [circled], Traffic Stop, (Unarmed Person) [circled], Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other:

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, Other, Search Warrant, (Two Person Unit) [circled]

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, (Routine Patrol) [circled]

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy: 9

Total # of Shots Fired by Suspect: none

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	[redacted]	[redacted]	[redacted]	EM [redacted] Day	[redacted] Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]	
Last Name [redacted]		First Name [redacted]		M.I.	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]	
Last Name [redacted]		First Name [redacted]		M.I.	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	White	Richard	D.	(On Duty) [circled], Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Stover	Brian	J.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Oglesby	Denise	C.

PSTD Use Only

SH # 2249218

Officer Involved Shooting

IRN: 009-10313-1627-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08-08-09	1750	12-23-09	

Employee #	Last Name	First Name	M.I
[redacted]	Kusch	Roderick	A.
[redacted]	Hill	Scott	G.
[redacted]	Maldonado	Albert	M.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	PH					NN	
E#1	S#1	PH					NN	
S#1	E#1	UC					NN	
E#1	S#1	OC						
E#1	S#1	FH	BR	9	Y	Y	DH	AD

Officer Involved Shooting
Involved Employee Information

URN: 009-10313-1627-013

Involved Employee

E 1

Employee # [redacted]	Last Name Taylor	First Name Mat	M.I. A.
Sex: M Race: W	Rank: B-1 Deputy	Unit Assignment: CSN	Work Assignment (Unit #, Module, etc.): 160W1
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 6' 03"	Weight: 225	
Range Qualification Date: 04-01-09	PPC Qualification Date: 01-14-08	Laser Training Date: 08-24-06	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 1 Directed Force: [redacted]
Weapons Fired Brand: Beretta Caliber 9mm # Shots 9	Weapons Fired Brand: Caliber # Shots		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber # Shots	Weapons Fired Brand: Caliber # Shots		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber # Shots	Weapons Fired Brand: Caliber # Shots		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 009-10313-1627-013

Suspect Information

S 1

Last Name Jacobo		First Name Ezequiel	M.I. T.
AKA Last Name "Tito" or "Half-Dead"		First Name	M.I.
Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 33 D.O.B. 05/14/76	Height: 5' 11" Weight: 180	FBI # [redacted]	CII # [redacted]
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2009-05503	Intoxication/Drug Usage? ☒	Substance Used: Methamphetamine, Marijuana
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	90026		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
DEPUTY INVOLVED, HIT SHOOTING (SUSPECT DECEASED)
IAB #SH2249218

URN:	009-10313-1627-013
DATE / TIME:	Saturday, August 8, 2009, 1547 hours
LOCATION:	[redacted] Squaw Peak Lane, Carson, California, 90745 "Scottsdale Estates"
SUSPECT:	Ezequiel Tito Jacobo, MH/33, a.k.a. "Tito" or "half-dead"
PERSONNEL:	Deputy Mat Taylor, #[redacted] Unit 160W1, PM's
	Deputy [redacted] #[redacted] Unit 160W1, PM's

On August 8, 2009, the Internal Affairs Bureau's Force and Shooting Response Team responded to the City of Carson, regarding a deputy involved, hit shooting. The team consisted of Lieutenant Roderick Kusch and Sergeants Scott Hill and Albert Maldonado. Attorney Julie Ruhlin of the Office of Independent Review also responded.

> **IAB NOTE:** IAB Lieutenant Rod Kusch checked to see that the watch commander, Lieutenant Denise Oglesby, took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, IAB Lieutenant Kusch checked to see if the watch commander attempted to have involved and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.

When the team arrived at the location there were an active command post and containment of the area. Investigators learned that the series of events which occurred, culminated into a deputy involved, hit shooting involving Deputies Mat Taylor and [redacted] The personnel involved in the incident are uniformed patrol deputies working a two-person unit. The criminal investigation is being handled by Homicide Detectives, Shannon Laren and William Cotter.

SYNOPSIS:

On August 8, 2009, at approximately 1547 hours, Deputies Mat Taylor (driver) and [redacted] (book-person) was working a two-person, no call "violent crimes" suppression unit. While patrolling the gated "Scottsdale Estates" condominium housing area in their marked patrol unit, they observed three vehicles parked illegally in the alleyway to the rear of the condominium units on Squaw Peak Lane. The vehicles were on the north side of the alleyway parked behind one another facing east bound in front of an open garage.

Wanting to warn or cite the owners of the vehicles, Deputies Taylor and [redacted] drove east bound on Squaw Peak Lane and parked their patrol vehicle just west of the illegally parked vehicles toward the south side of the alleyway. There they observed approximately five to seven adult males congregating at the threshold of the open garage and alleyway at the illegally parked cars.

Deputies Taylor and [redacted] exited their patrol vehicle and immediately smelled the odor of burnt marijuana coming from the area of the open garage where the males were. Deputies Taylor and [redacted] decided to detain the males regarding a marijuana investigation. They ordered the males (Witnesses [redacted] and [redacted] to place their hands on the hood of the patrol vehicle in order to safely search them for the source of the smell.

Witnesses [redacted], [redacted] [redacted] and [redacted] complied and placed their hands on a burgundy Monte Carlo parked west of the open garage. Witness [redacted] did not comply as he remained inside the garage threshold at the west end cussing and yelling at Deputies Taylor and [redacted] to leave his house.

Deputy Taylor approached the west side of the garage and placed his left hand on Witness [redacted] right shoulder, but Witness [redacted] pushed his arm and slapped his hand. As Deputy [redacted] was standing near the Monte Carlo monitoring the four males at the hood of the car, she saw Witness [redacted] push Deputy Taylor's hand away so she walked over and stood near Deputy Taylor. Not wanting to escalate the situation, Deputy Taylor took a step backward and to the side, then radioed the Sheriff's Communication Center (SCC) requesting backup due to an uncooperative person.

After he did this and waiting for backup to arrive, Deputies Taylor and [redacted] looked across the garage and saw a male sitting on a step that leads into the residence. The male was wearing a baseball cap and had his head down. When he lifted his head up, Deputies Taylor and [redacted] recognized him as Ezequiel Jacobo, a wanted parolee at large, considered armed and dangerous, and a Carson-13 Catskill gang member.

They recognized him as someone who ran from them several weeks prior to this incident. In that incident, Deputies Taylor and [redacted] did not know him or his name, but after doing some followup investigation, Deputies Taylor and [redacted] discovered that

Suspect Jacobo was a parolee at large, known to carry weapons. Deputies Taylor and [redacted] printed out a Wanted Persons Hit -No Bail warrant, issued by the Department of Corrections and several booking photographs of Suspect Jacobo, which they kept in their patrol vehicle, and later booked as evidence.

Deputies Taylor and [redacted] detained Suspect Jacobo at gun point and ordered him to the ground. Suspect Jacobo stood up with an enraged look on his face. He clenched his fists and failed to comply with their orders. Deputy Taylor used his handheld radio and requested the "patch" regarding his detention of an uncooperative, armed and dangerous, parolee at large. Deputy Taylor saw that Suspect Jacobo was sweating profusely, appeared to be confused, and under the influence of a stimulant as he was pacing back and forth and up and down in the garage. Deputy Taylor said Suspect Jacobo had a fight or flight look.

Deputy [redacted] stood at the east end of the garage at the threshold while Deputy Taylor stood to her left side. Still not complying with their orders to lie on the ground or to put his hands up, Suspect Jacobo came within five feet of Deputy Taylor, so he sprayed Jacobo's chest and partial facial area with a 2-3 second burst of OC. Suspect Jacobo wiped his face and kept moving, so the spray did not appear to be effective.

Within seconds, Suspect Jacobo lunged at Deputy [redacted] and struck her right shoulder with his right arm. This caused her to have to take a step backward to prevent from falling as Jacobo ran past her. Simultaneously as Suspect Jacobo lunged at Deputy [redacted] and because he was still holding his handgun in his right hand, Deputy Taylor reached out with his left hand and grabbed onto the back of Suspect Jacobo's shirt while being pulled behind Suspect Jacobo into the alleyway, north of the parked cars.

In the alleyway, Suspect Jacobo appeared to want to run east bound on the north side of the parked vehicles, but Deputy Taylor was holding him. Suspect Jacobo spun around to his left side and into Deputy Taylor's body causing Deputy Taylor to lose his grasp on Suspect Jacobo. Deputy [redacted] was standing next to Deputy Taylor and Suspect Jacobo as they struggled and saw Suspect Jacobo as he reached out with his right hand and grabbed at the bottom portion of Deputy Taylor's handgun. Deputy Taylor pulled his handgun in tight to his chest area. He reached out and again, grabbed onto Suspect Jacobo as they struggled southbound in the alleyway between the two parked vehicles.

Deputy [redacted] then positioned herself to monitor the males on the hood of the car and the uncooperative male still in the garage while continually giving them commands. In between the two parked vehicles and for a second time, Suspect Jacobo spun away from Deputy Taylor causing Taylor to strike his back against the tail gate of one of the parked vehicles. Suspect Jacobo then pushed Deputy Taylor's handgun outward and ran several steps southeast direction from Deputy Taylor.

Deputy Taylor was a couple of steps behind Suspect Jacobo when he saw Jacobo stop, lower his hands, then pivot on his right foot, turning back toward Deputy Taylor. No longer seeing Suspect Jacobo's hands, and believing he was arming himself with a gun, Deputy Taylor fired nine rounds at Suspect Jacobo with his Department-issue Beretta handgun.

The suspect fell to the ground and Deputy Taylor stepped back while maintaining cover on Suspect Jacobo as he radioed SCC regarding his officer involved shooting and advising that the suspect was down. Deputy [redacted] still monitored the males on the hood of the car who were now becoming as uncooperative as Witness [redacted] until assisting units arrived. When assisting units arrived, the males on the hood of the car and Witness [redacted] were searched and placed into patrol vehicles pending further investigation.

> **IAB Note:** During the entire incident, Witness [redacted] continued to verbally assault either individually or together, Deputies Taylor and Deputy [redacted] while failing to comply with their orders. He stood at or near the west side of the garage at the threshold during the incident.

The scene was not rendered safe due to several uncooperative persons who remained in the house, refusing to exit. After utilizing the Public Address system and making several calls into the residence, the three occupants exited the house. The residence was cleared, then finally a locked makeshift room within the garage, and the scene was rendered safe. Fire Department and Paramedics personnel entered and pronounced Suspect Jacobo dead.

Located within the open garage area was a plastic bag containing a leafy substance resembling marijuana, a digital scale, a burnt cigarette containing a leafy substance resembling marijuana, and a tin lunch box containing several live ammunition rounds, along several other miscellaneous items. For further, refer to ***Exhibit A, pages 76 through 84***. The green leafy substance was examined by the Crime Laboratory and discovered to be marijuana. Refer to the Laboratory Report under ***Exhibit A, pages 104*** and ***106 through 109***.

During the incident, Deputy Taylor received a minor scrape on the top of his middle finger on his right hand. He did not require nor request medical treatment.

Homicide Bureau was notified, and Detectives William Cotter and Shannon, took the handle of the investigation.

At Carson Sheriff's Station, Homicide Investigators William Cotter and Shannon Laren retrieved Deputy Taylor's weapon from his holster. The magazine and live rounds were counted. The handgun, magazine, and live rounds were taken as evidence, and later submitted to the Scientific Services Bureau's Firearms Section under Lab Receipt #K100509. Refer to The Firearms Examiner Reports under ***Exhibit A, pages 110 through***

On December 23, 2009, the Los Angeles County District Attorney's Office, Justice System Integrity Division, concluded their review of the shooting and have concluded that Deputy Taylor acted lawfully in self-defense, and in the defense of others. For further, refer to the District Attorney's Letter of Opinion in the ***Miscellaneous Documents*** section of this case book.

INVOLVED PERSONNEL:
TAYLOR, Mat A.
Deputy Sheriff, Employee #[redacted]
Field Operations - Region II
Carson Station - Patrol Deputy, Bonus I Field Training Officer

WORK HISTORY:

Date of Employment:	08-05-1999
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incident(s):	1
Prior Founded Force Incident(s):	[redacted]

SUSPECT INFORMATION:
JACOBO, Ezequiel Tito, MH/33, DOB: 05-14-1976, 5' 11", 180 lbs. He was shot seven times and died of multiple gunshot wounds.

CII #[redacted] CCHRS #[redacted] FBI #[redacted]

A check of the CCHRS (Consolidated Criminal History Reporting System) [redacted] Refer to the CCHRS printouts(***Exhibit A, pages 125 through 158.***) and the wanted persons hit, "no bail" parole violation printout (***Exhibit A, page 159***).

EMPLOYEE WITNESS:
[redacted]
Deputy Sheriff, Employee #[redacted]
Field Operations - Region II
Carson Station - Patrol Deputy

NON-EMPLOYEE WITNESSES:

[redacted] FH/7, DOB: [redacted]

[redacted] MB/38, DOB: [redacted]

[redacted] FH/18, DOB: [redacted]

[redacted] MH/25, DOB: [redacted]

[redacted] MH/27, DOB: [redacted]

[redacted] MH/26, DOB: [redacted]

[redacted] MH/35, DOB: [redacted]

[redacted] MB/15, DOB: [redacted]

[redacted] MH/25, DOB: [redacted]

[redacted] FH/17, DOB: [redacted]

[redacted] MH/28, DOB: [redacted]

[redacted] MH/26, DOB: [redacted]

[redacted] FH/14, DOB: [redacted]



[redacted] MH/22, DOB: [redacted]

[redacted] MH/29, DOB: [redacted]

[redacted] FH/29, DOB: [redacted]

[redacted] MB/A [redacted]

[redacted] FB/A [redacted]

[redacted] MB/A [redacted]

[redacted] MB/14 [redacted]

[redacted] MB/12 [redacted]

[redacted] FB/A [redacted]

INJURIES:
Deputy Taylor received a minor scrape on the top of his middle finger on his right hand. He did not require medical treatment.

Suspect Jacobo sustained seven gunshot wounds to his body (six which did not exit his body, and one through and through wound) and died as a result of multiple gunshot wounds. The major injuries included perforations of the right lung, heart, liver, right kidney, aorta, intestine, bladder, and associated severe hemorrhage. For further, refer to the Autopsy Report listed in ***Exhibit A, pages 160 through 187***. Refer to ***Exhibit E*** for three CD's which contain photographs of the crime scene, photographs of the autopsy, and photographs of Deputies Taylor and [redacted] as well as several witnesses.

> **IAB Note:** There was a delay in medical treatment for Suspect Jacobo due to the situation was not rendered safe for emergency personnel because occupants in the residence refused to cooperate with deputy personnel clearing the scene. For

further, refer to Deputy Robert Fulop's supplemental report in ***Exhibit A, pages 16 through 21***.

PHYSICAL EVIDENCE:

Located within the involved area (alleyway) were nine expended 9mm Luger cartridge casings, pieces of a broken red tail light lens, one fired bullet fragment, a small piece of metal, and a plastic bag containing a leafy substance resembling marijuana. Located within the open garage area was a plastic bag containing a leafy substance resembling marijuana, a digital scale, a burnt cigarette containing a leafy substance resembling marijuana, and a tin lunch box containing several live ammunition rounds, along several other miscellaneous items. For further, refer to ***Exhibit A, pages 76 through 84***. The green leafy substance was examined by the Crime Laboratory and discovered to be marijuana. Refer to the Laboratory Report under ***Exhibit A, pages 104*** and ***106 through 109***.

Coroner Forensic Technician Mike Cormier located a small black bag tied to Suspect Jacobo's underwear. The contents of the bag contained a crystalline substance resembling methamphetamine, which was later identified as crystal methamphetamine. For further, refer to ***Exhibit A, pages 74 through 84*** and ***105.***

The evidence and the general area were photographed by Forensic Identification Specialist II Susannah E. Baker. Refer to Forensic Identification Specialist II Baker's reports in ***Exhibit A, pages 97 through 104***, and photographs, presented as ***Exhibit E***. The Scientific Services Bureau report and scene diagram by Forensic Identification Specialist II Martin Mutuc (***Exhibit A, pages 115 through 117***), and the Firearms Report by David Kim (***Exhibit A, pages 110 through 114***).

During the autopsy, six projectiles and several fragments were removed from Suspect Jacobo's body. Also, he had one through and through bullet wound. For further, refer to the Los Angeles County Coroner's Report, presented in ***Exhibit A, pages 160 through 187***.

INVESTIGATORS' OBSERVATIONS:

The crime scene was located within a private, gated condominium housing area, in a common alleyway which separates the rear residences on Squaw Peak Lane and Rawhide Lane. The shooting scene was contained with yellow crime scene tape. Within the yellow crime scene tape were three vehicles parked on the north side of the alleyway. A black and white patrol car was parked facing east bound on the south side of the alleyway, just west of the civilian vehicles. Laying on the concrete ground faced up was Suspect Jacobo, nine expended cartridge casings, and broken red pieces of a tail light lens. Refer to the evidence list, crime scene photographs, sketch and autopsy of Suspect Jacobo, presented

as ***Exhibit A, pages 97 through 104***, and ***pages 115 through 117***. There were no bullet strikes or damage located on any of the area buildings or property.

WEAPON USED BY DEPUTY PERSONNEL:

Deputy Mat Taylor carried his duty firearm, a 9mm Luger caliber, Department-issued, Beretta, model 92FS, semiautomatic, blue steel, serial #BER[redacted] with "Winchester" 9mm Luger brand ammunition. Deputy Taylor carried his weapon with 15 rounds in the magazine and one in the chamber. During the incident, he fired nine rounds. Following the shooting, he had six live rounds in his magazine and one in the chamber. The ammunition did not appear to be modified in any way. One fired bullet fragment was located in the alleyway, six fired projectiles and several fragments were located during the autopsy of Suspect Jacobo's body, along with a through and through bullet wound.

Deputy Taylor's handgun was examined, tested, and found to be functional. The weapon and ammunition did not appear to be modified in any way and the trigger pull weight was within the manufacturer's specification. The nine expended cartridge cases, six fired bullets, and one bullet fragment were fired by Deputy Taylor's handgun. Refer to The Firearms Examiner Reports under ***Exhibit A, pages 110 through 114***.

Deputy Taylor last qualified with his Department-issued Beretta handgun on [redacted]. For further, refer to his shooting scores, presented as ***Exhibit D.***

WEAPONS USED BY THE SUSPECT:

Suspect Jacobo pushed Deputy [redacted] with his arm, struggled with Deputy Taylor and attempted to grab his (Taylor's) handgun.

PROPERTY DAMAGE:

No bullet holes or impacts were observed at the location. The right rear tail light lens was cracked on a white pick-up truck, which was parked in the alleyway. The damage was possibly caused during the struggle between Deputy Taylor and Suspect Jacobo.

CRIMINAL INVESTIGATION CHARGES:

Investigator's Name:	Homicide Detectives William Cotter and Shannon Laren.
Court:	None
Charges Filed:	None
DA Case Number:	

LIGHTING AND WEATHER CONDITIONS:

It was clear, sunny, late afternoon summer day.

INVOLVED EMPLOYEE STATEMENTS:

Deputy Mat Taylor *was interviewed during the investigation by Homicide Investigators Shannon Laren and William Cotter on August 8, 2009. He was represented by attorney Elizabeth Gibbons from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the* ***Transcriptions*** *section of the casebook. For a summary of his interview with the Homicide investigators, refer to* ***Exhibit A, pages 57 through 61.***

Deputy Mat Taylor *was interviewed by IAB Sergeant Dinah Grote on October 27, 2009, at 1150 hours, at the IAB Commerce office. He was represented by Elizabeth Gibbons from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the* ***Transcriptions*** *section of the casebook.*

Deputy Taylor explained that he and his partner stopped to warn/cite the owners of three illegally parked vehicles which were parked outside an open garage door in the alleyway. Upon exiting the patrol car, Deputy Taylor smelled the strong odor of marijuana coming from the open garage area where approximately five to six male adults were congregating at the garage near the parked vehicles. He ordered the males to place their hands on the radio car so that he could conduct a narcotic's investigation. All but one male, Witness [redacted] complied with Deputy Taylor's orders. He remained at the threshold of the open garage using abusive verbal language toward Deputies Taylor and [redacted].

> **IAB Note:** The City Council of Carson adopted Resolution No. 74-128 on July 15, 1974, which authorized the Los Angeles Sheriff's Department to enforce vehicle code violations with Scottsdale Estates. Refer to the copy of a City of Carson Internal Memorandum, a copy of a City of Carson Notice of Violation citation, and a Carson Sheriff Station Watch Briefing, which is presented as ***Exhibit B.***

Deputy Taylor tried to guide Witness [redacted] out of the garage by placing his left hand onto the right shoulder of [redacted], but he pushed and slapped Deputy Taylor's arm and hand. Not wanting the other detained males to become involved and trying to de-escalate the situation, Deputy Taylor stepped to the side and requested backup via his handheld radio regarding the uncooperative individual. As Deputy Taylor stepped back, he saw Suspect Jacobo on the opposite side of the garage sitting on a step that leads into the residence. Deputies [redacted] and Taylor recognized Suspect Jacobo as someone

who ran from him during a traffic stop in the Scottsdale Estates two to three weeks prior to this incident. After Suspect Jacobo ran from Deputy Taylor, Taylor did some follow-up investigation and learned that Suspect Jacobo was a parolee-at-large (PAL), considered armed and dangerous, and an active "Carson-13, Catskill" gang member. Refer to the investigation documents located in the visor of the patrol vehicle after the shooting incident (***Exhibit A**, **page 78, Item #17**, **pages 122 through 124**,* and ***159***).

Deputy Taylor removed his handgun, requested the "Patch" (emergency frequency) via his handheld radio and advised Sheriff's Communication Center (SCC) that he was detaining a parolee-at-large, considered armed and dangerous, at gunpoint, and requested assistance. Refer to the CD's in ***Exhibit C***, which contains Deputy Taylor's radio transmissions during the incident.

Deputy Taylor ordered the suspect to the ground, but he refused to comply as he stood up with an enraged look, clenched his fists, and verbally assaulted Deputies Taylor and [redacted] as he paced back and forth in the garage. Deputy Taylor stated Suspect Jacobo appeared to be under the influence of a stimulant based on Suspect Jacobo's (sweating profusely, eyes dilated, acted irrational and confused) behavior. After Suspect Jacobo failed to comply with their orders to lie on the ground and came within five feet of Deputy Taylor, Taylor sprayed a 2-3 second burst of OC spray at Suspect Jacobo's chest and face. Because Suspect Jacobo kept moving as he was being sprayed, the effects had little to no effect on him.

Deputy [redacted] repositioned herself to the east side (right) of Deputy Taylor, standing at the threshold of the garage entrance at the east end. Suspect Jacobo then ran at Deputy [redacted] striking her right shoulder area with his right arm. Simultaneously, Deputy Taylor reached out with his left hand and grabbed onto the back of Suspect Jacobo's shirt as he ran past Deputy [redacted] While holding onto Suspect Jacobo's shirt, Deputy Taylor was dragged to the east side of Deputy [redacted] in a southeast direction, approximately five feet into the alleyway, while still holding his handgun in his right hand.

Now in the alleyway on the north side of two parked pickup trucks, Deputy Taylor said Suspect Jacobo appeared to want to run east bound, but he could not because Taylor had a hold of his right arm. Suspect Jacobo then spun counterclockwise causing Deputy Taylor to lose his grasp of Suspect Jacobo's arm. When Jacobo spun around, he collided with Deputy Taylor's body as they ended up face to face between the two pickup trucks. With his right hand, Suspect Jacobo reached out to grab Deputy Taylor's handgun from underneath, but Taylor pulled his handgun to his chest. Deputy Taylor said he was unable to shoot Suspect Jacobo because his backdrop was Deputy [redacted] who was still

standing at the threshold of the garage detaining the other males at gun point while giving verbal orders to them.

Now struggling in the alleyway southbound between the two pickup trucks, Deputy Taylor said Suspect Jacobo was sweaty profusely, but he was able to grab onto him. For a second time, Suspect Jacobo spun around. He then slapped at Deputy Taylor's handgun hitting it outward causing Deputy Taylor to pull backward striking his back against the tail gate area of the white pickup truck and losing his grasp on Suspect Jacobo. Now south of the white pickup truck and in the middle portion of the alleyway, Suspect Jacobo began to run east bound with his hands at his sides. Deputy Taylor took several steps toward Suspect Jacobo with a distance of approximately six feet between them.

In one motion, Suspect Jacobo stopped running, lowered his hands in front of his body, then pivoted on his right foot turning left toward Deputy Taylor. With the knowledge of Suspect Jacobo's armed and dangerous, parolee-at-large status and that he had not been searched, coupled with Jacobo's gang affiliation and Jacobo's attempt to take his (Taylor's) gun from him, Deputy Taylor believed Suspect Jacobo was armed with a gun and feeling threatened, Deputy Taylor fired five to seven rounds at Suspect Jacobo as he spun back toward Deputy Taylor.

Deputy Taylor rapidly fired the rounds at Suspect Jacobo adding that he did not have time to reassess his rounds. He stated he saw his partner standing at the threshold of the garage while he was struggling with Suspect Jacobo in between the vehicles, and he could hear Deputy [redacted] giving out orders to the males. Deputy Taylor momentarily lost sight of Deputy [redacted] during the shooting incident. After the shooting, he stepped back (west) and saw Deputy [redacted] at the garage while he advised the Sheriff's Communication Center of his shooting. For further, refer to Deputy Taylor's Weapons Training Records (***Exhibit D***).

Deputy Taylor stated he received a slight nick across the top of his middle finger on his right hand. He believed it occurred during the struggle with Suspect Jacobo or from bumping into the car. He did not require any medical treatment.

EMPLOYEE WITNESS STATEMENTS:

Deputy [redacted] *was interviewed during the investigation by Homicide Investigators Shannon Laren and William Cotter on August 8, 2009. Present were IAB Sergeants Scott Hill and Albert Maldonado, and Deputy* [redacted] *attorney, Elizabeth Gibbons from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed*

*under the **Transcriptions** section of the casebook. For a summary of her interview with the Homicide investigators, refer to **Exhibit A, pages 61 and 62.***

***Deputy** [redacted] was interviewed by IAB Sergeant Dinah Grote on October 27, 2009, at 1331 hours, at the IAB Commerce office. She was represented by Elizabeth Gibbons from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the **Transcriptions** section of the casebook.*

Deputy [redacted] stated that she and Deputy Taylor observed three vehicles parked illegally in the alleyway in front of an open garage. Upon exiting the patrol car to warn or cite the owners of the vehicles, she smelled the odor of marijuana coming from the open garage where four to five males stood near the parked vehicles.

Deputy [redacted] asked the males to place their hands on the Monte Carlo vehicle which was parked west of the black pickup truck. She said the males were cooperative so she stood in the alleyway watching them as Deputy Taylor walked toward the open garage. Deputy [redacted] heard a male Black (Witness [redacted]) yelling and cussing at them as he stood inside the garage at the threshold to the alleyway. Since the males on the hood of the car were cooperative, Deputy [redacted] walked closer to assist Deputy Taylor by giving commands to Witness [redacted]. He failed to comply with their orders, so Deputy Taylor placed his hand on Witness [redacted] shoulder to guide him over to the car, but Witness [redacted] pushed Deputy Taylor's hand away. Deputy Taylor then radioed for backup as Deputy [redacted] stood on his right side (east). She said Witness [redacted] continued to be uncooperative, calling them names, and telling them to get out of his house.

> **IAB Note:** Deputy [redacted] stated that when she grabbed her radio's microphone to advise SCC of the backup request, Deputy Taylor was on the radio first, so she let go of her microphone and it dropped down, which prevented her from providing updates to SCC regarding the Deputy Taylor's fight with Suspect Jacobo.

At that point, she noticed a male Hispanic sitting on a step that leads into the residence. As the male stood up, she recognized Suspect Jacobo as an armed and dangerous, parolee at large, who ran from her and Deputy Taylor approximately three to four weeks prior to this incident. Via his handheld radio, Deputy Taylor advised the Sheriff's Communication Center that they were detaining an armed and dangerous, parolee at large, at gunpoint.

Standing at the threshold of the garage at the east end, Deputy [redacted] and Deputy Taylor drew their handguns and ordered Suspect Jacobo to the ground, but he failed to comply as he cussed at them. She said Suspect Jacobo was moving around the garage either trying to get away or fight them, still not complying with their orders. As Suspect Jacobo neared them, Deputy Taylor who stood on her left side (west) sprayed Jacobo with OC. This did not prove to be effective because Suspect Jacobo kept moving around.

Within a couple of seconds, Suspect Jacobo lunged at Deputy [redacted] hitting her right shoulder area with his right arm, causing her to have to step back in order to maintain her balance. As this occurred, Deputy Taylor reached out across her and grabbed onto the back of Suspect Jacobo's shirt and they started struggling in the alleyway, right next to her when she saw Suspect Jacobo reach out and touch Deputy Taylor's handgun as they continued struggling south bound between the two parked pickup trucks.

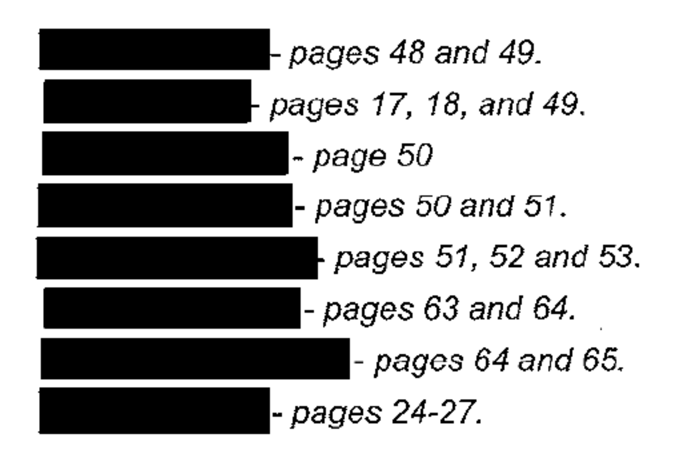
At this point Deputy [redacted] watched the west side of the garage where Witness [redacted] stood at the threshold, and the five males standing in the alleyway at the hood of the car while giving them commands. Deputy [redacted] said Witness [redacted] continued to be uncooperative by not obeying her orders to place his hands on the car or to lie on the ground. He continued to yell and "mother fucking" them, so she positioned her body so that she could monitor Deputy Taylor's struggle, Witness [redacted] and the five other males at the hood of the car who had not yet been searched were trying to pull their hands off to see the struggle between Deputy Taylor and Suspect Jacobo.

Deputy [redacted] said her focus was on the uncooperative male (Witness [redacted] and the males at the hood of the car. She said she could hear Deputy Taylor ordering Suspect Jacobo to stop fighting and to lie on the ground as they struggled between the vehicles. She then heard five to six gunshots, so she moved a step to the east and saw Deputy Taylor standing in the alleyway. Deputy Taylor then advised SCC via his handheld radio of a "998." She said she did not know if Deputy Taylor had been shot or injured, but she saw that Deputy Taylor was okay and heard his radio transmissions, so she turned back toward the males and continued to give them commands because they were coming off the car. The males were detained at the car until assisting units arrived.

Deputy [redacted] said when the initial struggle began between Deputy Taylor and Suspect Jacobo, she was right next to the struggle and she saw Suspect Jacobo reach for Deputy Taylor's handgun. Because of the struggle, she worried that she might shoot Deputy Taylor instead of Suspect Jacobo. She did not consider a direct body shot to Suspect Jacobo. Also, she feared the other males would come assist Suspect Jacobo, so she continued to detain them until assisting units arrived.

NON-EMPLOYEE WITNESSES STATEMENTS:

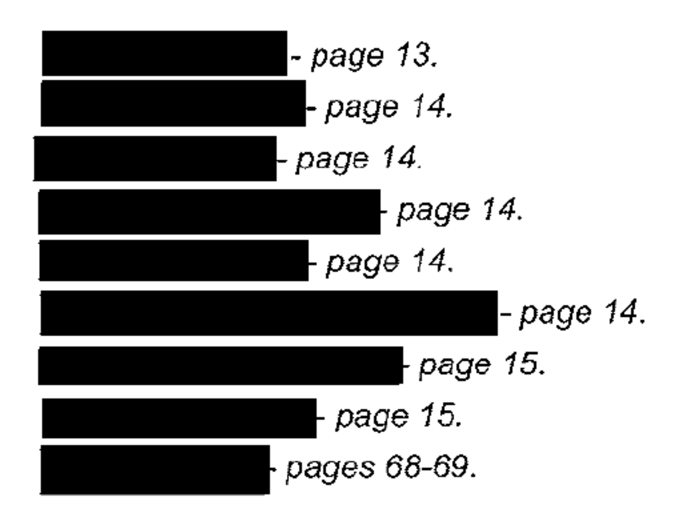
The following below civilian witnesses were identified at the location and interviewed during the investigation by Homicide Investigators Shannon Laren and William Cotter. For the complete verbatim interview, refer to IAB's audio files. Refer to the page number located after the witnesses' names for a summary of their statements, presented in the Homicide case book in ***Exhibit A****.*



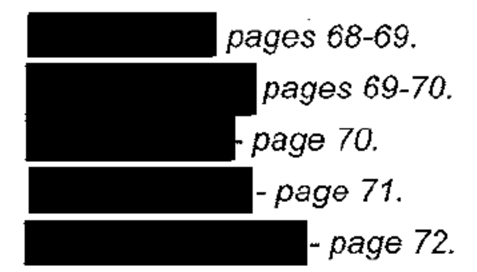
[redacted] *- pages 48 and 49.*
[redacted] *- pages 17, 18, and 49.*
[redacted] *- page 50*
[redacted] *- pages 50 and 51.*
[redacted] *- pages 51, 52 and 53.*
[redacted] *- pages 63 and 64.*
[redacted] *- pages 64 and 65.*
[redacted] *- pages 24-27.*

The area was canvassed and the following civilian witnesses were identified and interviewed during the investigation by Homicide Investigators and Carson Sheriff Station personnel. Although they all heard gunshots, they stated they did not witness the shooting. Refer to the page number located after the witnesses' names for a summary of their statements, presented in the Homicide case book in ***Exhibit A****.*

> **IAB Note:** These witnesses were not listed in the supervisor's report for the Officer Involved Shooting form.



[redacted] *- page 13.*
[redacted] *- page 14.*
[redacted] *- page 14.*
[redacted] *- page 14.*
[redacted] *- page 14.*
[redacted] *- page 14.*
[redacted] *- page 15.*
[redacted] *- page 15.*
[redacted] *- pages 68-69.*



[redacted] *pages 68-69.*

[redacted] *pages 69-70.*

[redacted] *- page 70.*

[redacted] *- page 71.*

[redacted] *- page 72.*

SUSPECT STATEMENT

None.

MISCELLANEOUS SECTION:

In the Laboratory Analysis Summary Report, presented in ***Exhibit A*, *page 178***, it shows Suspect Jacobo had marijuana and methamphetamine in his system.

Deputy Taylor's Radio Transmissions Time Line on Dispatch 9 **(Exhibit C):**

@ 00:08 seconds - Requesting "back-up re: un-coop."
@ 00:34 seconds - "(Transmission partially stepped on by assisting units.) ...... at large gunpoint. One un-coop on Rawhide Lane."
@ 01:13 minute/seconds - "Hey, don't fucking run. 10-33, give me the patch. Give me units code."
@ 01:36 minute/seconds - "998. 998."
@ 01:50 minute/seconds - Advises suspect on the ground.
@ 02:32 minute/seconds - Advises "Parolee-at-large, armed and dangerous, tried to run, tried to grab my gun."
@ 02:40 minute/seconds - "I've got two units code 6."
@ 02:53 minute/seconds - SCC advises they will be notifying Rescue.
@ 03:18 minute/seconds - Advising SCC/Aero "detaining like, eight 415G's, they're un-coop."
@ 03:26 minute/seconds - SCC advising they are "on the line with Rescue now."
@ 04:40 minute/seconds - "Parolee on the ground, requesting 902R."
@ 04:49 minute/seconds - SCC advises they have Fire staging, asks if Fire can roll in?
@ 04:55 minute/seconds - "Have fire roll in."
@ 05:15 minute/seconds - SCC advises Rescue will be rolling in.
@ 05:45 minute/seconds - Advises they need to "clear the loc, nobody went inside from the garage, but we need the units out front."
@ 07:32 minute/seconds - Advises "gonna have to clear this loc."
@ 08:00 minute/seconds - SCC advises Re: 998, to switch frequency to A-TAC 4.

Radio Transmissions Time Line on A-TAC 4 **(Exhibit C):**

@ 01:29 minute/seconds - "Carson units, two people, male and female seen in upstairs window. We're gonna have to clear this place."
@ 05:13 minute/seconds - 160S advises Command Post to request another tactical for admin stuff because there are deputies still trying to clear a house.
@ 05:45 minute/seconds - Unit advises woman refused to come out, ran back into house.
@ 05:50 minute/seconds - Unit advises he was going to make announcements for people to come out.
@ 06:24 minute/seconds - Unit asks Aero to lift up so that PA announcements could be heard.
@ 06:29 minute/seconds - Aero acknowledges.
@ 08:00 minute/seconds - Unit requests Carson Station Dispatcher to make call into residence.
@ 09:00 minute/seconds - Dispatcher advises units that occupants refusing to leave.
@ 11:08 minute/seconds - Dispatcher advises he's on the line with Mary inside the residence, she's ready to come out.
@ 11:19 minute/seconds - 160S tells dispatcher to stand-by while he gets a team ready.
@ 12:00 minute/seconds - Dispatcher advises he's no longer on line.
@ 12:10 minute/seconds - Unit in field advises they are on the line with Mary.
@ 12:41 minute/seconds - Unit advises occupants should be walking out now.
@ 13:19 minute/seconds - Unit advises one coming out now.
@ 13:41 minute/seconds - Unit advises second occupant coming out now.
@ 13:54 minute/seconds - Unit advises third person coming out now, standby.
@ 14:20 minute/seconds - Unit advises entry team to be moving in through the front side, hold your positions.
@ 15:08 minute/seconds - Unit advises entry team moving in now, standby.
@ 15:35 minute/seconds - Unit advises team is moving to the east side of the loc.
@ 15:50 minute/seconds - Unit advises they are moving toward the garage, standby.
@ 16:21 minute/seconds - Deps at the rear, standby. We're at the door, standby.
@ 16:38 minute/seconds - We're moving upstairs, standby.
@ 17:44 minute/seconds - House is clear. Have Fire roll.
@ 18:09 minute/seconds - Standby. We're still clearing the garage.
@ 18:44 minute/seconds - 10-9 for units at the garage.
@ 18:50 minute/seconds - Hey, Castaneda. The living quarters are clear. We need you to go ahead and search the garage. Let us know what's up.
@ 19:05 minute/seconds - Hey, Fire's gonna standby then.
@ 19:30 minute/seconds - Unit advises they are still trying to make entry into the garage conversion.
@ 19:44 minute/seconds - Unit asking if anyone had a requesting a pick and ram in their vehicle.

@ 20:00 minute/seconds - Unit advises they need to have a small room opened which is locked.
@ 20:13 minute/seconds - Units standby. Units searching the garage now, standby.
@ 21:40 minute/seconds - 160GS asks Command Post if they have pick and ram.
@ 21:47 minute/seconds - Command Post acknowledges they do.
@ 21:50 minute/seconds - 160GS asks for ram to be taken to location.
@ 21:56 minute/seconds - Unit acknowledges transport of pick and ram.
@ 22:42 minute/seconds - 280S 97 at crime scene tape.
@ 25:41 minute/seconds - It's Code 4 inside the garage. We can let fire in.
@ 25:53 minute/seconds - 160L to GS, confirm the house is clear?
@ 25:57 minute/seconds - Affirmative. It's Code 4 inside the location and Code 4 inside the garage and side garage. We're escorting Fire in now.